

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

IN RE:

**LINDA GAIL ROGERS**

1112 Chalmers Street  
Durham, NC 27707  
SSN: xxx-xx-4034

Case No. 07-81358  
Chapter 13

Debtor(s).

**OBJECTION TO CONFIRMATION OF PLAN**

Comes now DaimlerChrysler Financial Services Americas, LLC, successor by merger to DaimlerChrysler Services North America, LLC ("DaimlerChrysler"), by and through counsel, and in support of its Objection to Confirmation of Plan, would state and show unto the Court that:

1. On April 02, 2002 the Debtor purchased from Morgan Motors, Inc. in North Carolina, a 2001 Jeep Grand Cherokee ("Vehicle") VIN 1J4GX48S21C538152, said transaction being financed by DaimlerChrysler. A copy of said Retail Installment Contract is attached hereto and incorporated by reference.

2. To secure the amounts advanced by DaimlerChrysler, the Debtor granted to DaimlerChrysler a security interest in the Vehicle, which said security interest was perfected by notation on the Certificate of Title to said car as issued by the Commissioner of Motor Vehicles of the State of North Carolina. A copy of said Title is attached hereto and incorporated by reference.

3. Pursuant to the contract, the Debtor was to repay the amount of \$24,641.94, together with interest at 15.15%, in 77 monthly installments of \$425.75 each, commencing on May 17, 2002.

4. Debtor filed this bankruptcy case on September 19, 2007. At that time, the payoff on the Vehicle was \$5,958.66 and a secured Proof of Claim was filed for this amount.

5. The Notice of Proposed Plan and Order Confirming Plan provides that DaimlerChrysler's claim is to be secured for \$2,832.00 with 9.5% interest.

6. On the date of the filing of the bankruptcy case, the NADA Goldbook retail value of this Vehicle was \$8,300.00.

7. Upon information and belief, the value of this automobile is in excess of \$2,832.00.

8. Debtor's proposed Chapter 13 Plan does not meet the requirements of 11 U.S.C. Section 1325 (a)(1) in that it does not provide adequate protection for DaimlerChrysler's interest pursuant to 11 U.S.C. Section 361.

WHEREFORE, the above premises considered, DaimlerChrysler prays:

1. That confirmation of the Debtor's Chapter 13 Plan, as presently proposed, be denied.
2. That DaimlerChrysler be granted a value of \$5,958.66 at 9.5% interest for the 2001 Jeep Grand Cherokee in the Debtor's Chapter 13 Plan.
3. For such other relief to which it may be entitled.

Respectfully submitted,

/s/ Richard D. Sparkman

Richard D. Sparkman (6857)  
Attorney for DaimlerChrysler  
Financial Services Americas, LLC  
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OF COUNSEL:

HALE, DEWEY & KNIGHT, PLLC

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
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**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that on the below date, the undersigned served a copy of the Objection to Confirmation of Plan by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

John T. Orcutt, Esq.  
Debtor's Attorney  
6616-203 Six Forks Road  
Raleigh, NC 27615

Richard M. Hutson, II  
Chapter 13 Trustee  
300 Morgan Street, Suite 425  
P.O. Box 3613  
Durham, NC 27702

Linda Gail Rogers  
1112 Chalmers Street  
Durham, NC 27707

**THIS** the 8<sup>th</sup> day of November, 2007.

/s/ Diane A. Sparkman  
Richard D. Sparkman (6857)  
Diane A. Sparkman, N. C. State Bar  
Certified Paralegal  
PO Box 1687  
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